



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 1, 1992

Ms. Debbie Smith
Legal Counsel
Texas Funeral Service Commission
8100 Cameron Rd., Bldg. B, Suite 550
Austin, Texas 78753

OR92-285

Dear Ms. Smith:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 15668.

The Texas Funeral Service Commission (the "commission") received an open records request for the results of the commission's investigation of particular funeral directors. You contend that the records you have submitted to this office for review are made confidential by V.T.C.S. article 4582b, and thus must be withheld pursuant to section 3(a)(1) of the Open Records Act, which protects "information deemed confidential by law, either Constitutional, *statutory*, or by judicial decision." (Emphasis added.)

Section 6D(a) of article 4582b provides for the creation of an "information file" pertaining to complaints against funeral directors, embalmers, apprentices, and funeral establishments.¹ Section 6(D)(d) further provides:

¹Section 6D(b) provides:

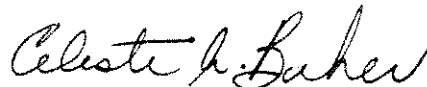
The commission shall include in each information file a description of the complaint, the date on which the complaint was filed, the name of the complainant, a description of any information obtained by the commission after investigating the complaint, a description and date of any formal actions taken by the commission relating to the complaint, a description of the current status of the complaint, and other information that the commission considers appropriate.

The information file, except for information in the file obtained by the commission after investigating the complaint, is public information. The information obtained after investigating the complaint is not public information.

You have submitted to this office for review an "Activity Log" prepared by the investigator that summarizes his progress and includes notations of information obtained from his activities as well as several of the investigator's memoranda that reflect information obtained from his investigative interviews.² The information contained in these records was obtained by the commission as a result of its investigation. Accordingly, these records must be withheld pursuant to section 3(a)(1) of the Open Records Act.³

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-285.

Yours very truly,



Celeste A. Baker
Assistant Attorney General
Opinion Committee

CAB/RWP/lmm

Ref.: ID# 15668

cc: Ms. Jean Schlicht Coyle
P. O. Box 264
Rowlett, Texas 75086

²Section 6D(f) of article 4582b provides that the commission "shall employ or contract for the services of one or more persons to investigate complaints"

³This office assumes that any other information responsive to the request will be made available to the requestor.